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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:10092 of 2006

DATED: 19-06-2006

Between:

C.Padmavathi

..... PETITIONER

AND

1. The State of Andhra Pradesh, rep.by Principal Secretary to Government Panchayatraj and Rural Development Department Secretariat, Hyderabad and 4 others.

.....RESPONDENTS

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ORDER: **(per BPR,J)**

Heard Sri O.Manoher Reddy, learned counsel for the petitioner and also learned Government Pleader for Services-II and Sri J.R.Manohar Rao, learned counsel for respondent No.4 and at their request the main writ petition itself is taken up for disposal.

In this writ petition the petitioner seeks to assail the order passed in O.A.No.4933 of 2005 dated 27-04-2006 on the file of the

A.P. Administrative Tribunal whereunder the application filed by respondent No.4 under Section 19 of the Administrative Tribunals Act, 1985 was allowed setting aside the impugned action of the Government in issuing G.O.Rt.No.1503 dated 23-08-2005 and also the consequential proceedings dated 25-08-2005 and transferring the petitioner.

The only question which arises for consideration in this writ petition is that whether the Government is empowered to effect any transfer in contravention of the statutory rules governing the A.P.Panchayatraj Employees Transfer (Regulation of Transfer) Rules, 2000 issued in G.O.Ms.No.45 dated 05-02-2000.

Admittedly, as per Rule 4 thereof, necessarily the transfer has to be done by the council constituted thereunder and Rule 9 contemplates the procedure under various circumstances and also sub-rule 8 of the said Rule 9 specifically contemplates that the transfer shall be effected at any time during the year on disciplinary grounds or otherwise or purely in public interest. An attempt was made on behalf of the petitioner that apart from the administrative transfer, the transfer had taken place having regard to certain disciplinary enquiry and therefore, the said transfer need not necessarily be governed by the statutory rules. These rules do not contemplate nor they empower the Government under Rule 4 thereof to effect transfer of certain categories. Accordingly, we do

not find any merits in this writ petition.

Accordingly the writ petition is dismissed. However, it is need less to mention that it is open for the committee concerned, to pass any orders in accordance with law. No order as to costs.

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19th June, 2006

SKM